DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBJECT: Final: Project-Specific Nonavailability Waiver of Build America Buy America Act (BABA) Requirements to the Simpson Crossings Affordable Housing Project for HVAC, Plumbing, Electronic Door Locks, and Lighting and Wiring (HUD Waiver #W-0000230)

Introduction

The U.S. Department of Housing and Urban Development (HUD) is issuing a final BABA waiver to an assistance recipient based on nonavailability of multiple products for a single project.

Solicitation of Public Comment

The proposed waiver was posted on HUD's public facing webpage and a notice of the proposed waiver was posted to the Made in America website from September 23, 2026 to October 8, 2026, thus satisfying the requirement to publish any BABA project waiver and provide the public with fifteen (15) days to submit comments. HUD did not receive any public comments on this waiver during the public comment period. Therefore, no changes were made to the proposed waiver, except to replace references to the "proposed waiver" with references to the "final waiver."

Background

The Buy America Preference set forth in section 70914 of BABA included in the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No. 117-58), requires that all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the United States.

Under section 70914(b), HUD may waive the application of the Buy America Preference (BAP), in any case in which it finds that: applying the domestic content procurement preference would be inconsistent with the public interest; types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or the inclusion of iron, steel, manufactured products, or construction materials produced in the United States would increase the cost of the overall project by more than twenty-five (25) percent. All waivers must have a written explanation for the proposed determination; provide a period of not less than fifteen (15) days for public comment on the waiver; and be submitted to the Office of Management and Budget's (OMB) Made in America Office for review to determine if the waiver is consistent with policy.

Summary

Final Waiver: HUD is issuing a project waiver of the requirements of section 70914 of BABA included in the IIJA, for multiple manufactured products (HVAC, plumbing, electronic door locks, and lighting and wiring) in an infrastructure project funded through the HOME Investment Partnerships Program (HOME).

Waiver Type: Nonavailability of domestic products in sufficient and reasonably available quantities or of satisfactory quality.

Waiver Level and Scope: Project-level waiver for multiple products for a single project. No other project will utilize the waiver.

Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Simpson Crossings affordable housing project in Kissimmee, Osceola County, Florida for HVAC, plumbing, electronic door locks, and lighting and wiring products.

Project Summary: The project is in Kissimmee, Osceola County, Florida. The project consists of the construction of Simpson Crossings, a 118-unit affordable housing project located in the City of Kissimmee, Osceola County, Florida.

Length of the Waiver: From October 26, 2026 until the completion of the project, which is anticipated to be June 30, 2028.

Items Covered in Waiver: The City of Kissimmee is being issued a waiver for HVAC, plumbing, electronic door locks, and lighting and wiring products, as described in detail below:

Name of Product 1: HVAC

Item	Qty	PSC	NAICS	Technical Specifications
Thermostats	130	4130	333415	Programmable wall thermostats
Air Handlers & Condensers — Apartments	118	4130	333415	Split-system air conditioning units for apartment dwellings. Condensers 1.5–2.5 ton, single-stage. Wall-hung fan coils (24K–30K BTU) with matched electric resistance heaters (5.6–7.5 kW).
Air Handlers & Condensers — Common Area	6	4130	333415	Split-system air conditioning units for common areas. Condensers 1.5–4.0 ton, single-stage (including R-454B, 15 SEER2 units). Matched fan coils with electric resistance heaters (5.4–11.2 kW) and associated wiring/disconnect accessories.
Mini-Splits	15	4130	333415	Ductless inverter mini-split heat pump systems (9K–24K BTU). Side-discharge outdoor condensing units paired with high-wall indoor fan coils and wired controllers.

Name of Product 2: Plumbing Fixtures & Accessories

Item	Qty	PSC	NAICS	Technical Specifications
American Standard Colony 3 Toilet — Standard Units	201	4510	238220	Two-piece gravity-fed toilet; WaterSense-certified high-efficiency, 1.28 gpf; meets IPC 2021 and NGBS water-conservation requirements
American Standard Colony 3	6	4510	238220	ADA/UFAS-compliant two-piece toilet; comfort/chair-height bowl; WaterSense-certified,

Toilet — UFAS/ADA Units				1.28 gpf; meets IPC 2021 and NGBS water-conservation requirements
Braided Toilet Supply Lines	207	4510	238220	Braided stainless-steel flexible toilet water supply connectors; corrosion-resistant, burst-resistant; standard toilet supply fittings
Effluent Pump Assembly (pump, high-water alarm, float switch)	2	4510	238220	Elevator sump/effluent pump assembly; cast-iron submersible effluent pump (approx. 1/2 HP) with variable-level float switch and high-water alarm

Name of Product 3: Electronic Door Locks

Item	Qty	PSC	NAICS	Technical Specifications
Electronic Deadbolts	148	5340	332510	Electronic/smart deadbolt for R-2 multi-family residential dwelling units. ANSI/BHMA A156.36 Grade 2; satin stainless / satin nickel finish; battery-powered (4-AA, 9V jump-start backup); ADA-compliant; UL 10C fire-rated; compliant with Federal housing laws and guidelines.

Name of Product 4: Lighting and Wiring Devices

Item	Qty	PSC	NAICS	Technical Specifications
Energy-Star Ceiling Fans	337	6210	335131	52" 5-blade residential ceiling fan with integrated dimmable LED light kit (3000K); AC motor, 3-speed, reversible; 120V; ENERGY STAR certified (CRI 80+); appropriate for in-unit use in R-2 multifamily dwellings per state HFA requirement
Wiring Devices (Switches, Receptacles & Wall Plates)	11,124	6210	335131	Tamper-resistant duplex receptacles (15A/125V, 2P3W) including weather-resistant GFCI and USB-charging variants; decorator single-pole and 3-way wall switches; polycarbonate mid-size decorator/duplex wall plates (1- through 4-gang); steel receptacle box covers; all white finish; NEC 2023 compliant

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced HVAC, plumbing, electronic door locks, lighting and wiring products.

The grantee completed market research between October 2025 and July 2026 which consisted of outreach to multiple manufacturers or suppliers of the products covered by this waiver. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project.

HUD conducted an online search of manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Anticipated Impact if No Waiver is Issued

Failure to grant a waiver for this project would result in the inability of the developer to install the required HVAC, plumbing, electronic door locks, lighting and wiring products.

Assessment of Cost Advantage of a Foreign-Sourced Product Under OMB M-24-02, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a public interest waiver. HUD has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Description of Award

Agency: United States Department of Housing and Urban Development (HUD)

Common Governmentwide Accounting Classification (CGAC) Code: 086

Title of Project: Simpson Crossings Affordable Housing Project

Recipient Name: City of Kissimmee, a Municipal Corporation

Unique Entity Identifier (UEI): DPHBBJP7RHY3

Federal Award Identification Number (FAIN): M24DC120222 and M25DC120222

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME)

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $460,000.00

Total Estimated Infrastructure Expenditures: $42,489,000.00